

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
FORT WAYNE DIVISION

IN RE: CASE NO. 03-15606

DUANE ALAN GURTNER

Debtor

MARTIN E. SEIFERT, TRUSTEE

Plaintiff

vs.

DUANE ALAN GURTNER

Defendant

PROC. NO. 05-1144

**DECISION AND ORDER**

At Fort Wayne, Indiana, on September 20, 2005.

Plaintiff's motion for default judgment, filed on September 9, 2005, is DENIED due to Plaintiff's failure to serve the summons and complaint as required by Bankruptcy Rule 7004(b)(9), which requires mailing "the summons and complaint to the debtor. . .and, if the debtor is represented by an attorney, to the attorney. . . ." In this case, debtor is represented by counsel to wit W. Erik Weber.

SO ORDERED.

/s/ Robert E. Grant  
Judge, United States Bankruptcy Court